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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,973	08/05/2003	Kurt E. Spears	10019217-1	6938
22879 7590 04/30/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
EXAMINER SAFAIPOUR, HOUSHANG				
ART UNIT		PAPER NUMBER		
2625				
NOTIFICATION DATE		DELIVERY MODE		
04/30/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/634,973

Applicant(s)

SPEARS ET AL.

Examiner

Houshang Safaipoor

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on (RCE) 3/19/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-21, 29 and 31-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-21, 29 and 31-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 3/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 3/19/2008 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-17 and 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda Hidetoshi (JP 10-098588, cited by the applicant) and further in view of Koshiyouji Takashi (JP 07-254972, cited by the applicant).

Regarding claims 1 and 39, Hidetoshi discloses an image capture device, comprising:
a first scanning module (5a) operable to scan a first side of an object (manuscript 1); and
a second scanning module (5b) operable to scan a second side of said object, said first and second scanning modules being independently translatable along their respective displacement paths (drawing 1, paragraphs 0038-0041); and

a housing (drawing 1, lower unit), wherein one of said first and second scanning modules (5a) is disposed in said housing (drawing 1). (Takashi shows a housing and lid coupled together).

Regarding claim 4, Hidetoshi discloses the image capture device of claim 1, further comprising a lid coupled to a housing, one of said first and second scanning modules being disposed in said lid (drawing 1, upper unit is considered as a lid. It is not shown that the upper unit is coupled to the lower unit, however, such structure is well known as shown in drawings 1 and 2 of Takashi).

Regarding claim 5, Hidetoshi discloses the image capture device of claim 1, further comprising two platens operable to sandwich said object there between (drawing 1, where manuscript 1 is placed).

Regarding claim 6, Hidetoshi discloses the image capture device of claim 4, said scanning module disposed in said lid being mounted on at least one support rail (6b, drawing 1) in said lid.

Regarding claim 7, Hidetoshi discloses the image capture device of claim 3, said second scanning module disposed in said housing being mounted on at least one support (6a, drawing 1) rail in said housing.

Regarding claim 8, Hidetoshi discloses the image capture device of claim 1, wherein said first scanning module (5b) comprises:

a light source (12b, drawing 1) operable to illuminate at least a portion of said first side;
and

a photosensitive device (17b, drawing 1) operable to capture light reflected from said first side.

Regarding claim 9, Hidetoshi discloses the image capture device of claim 1, wherein said first scanning module comprises a photosensitive device (17b, drawing 1) operable to capture light passing through said object.

Regarding claim 10, Hidetoshi discloses the image capture device of claim 1, wherein said second scanning module (5a) comprises:

a light source (12a) operable to illuminate at least a portion of said second side; and
a photosensitive device (17a) operable to capture light reflected from said second side (drawing 1).

Regarding claim 11, Hidetoshi discloses the image capture device of claim 1, wherein said second scanning module comprises a photosensitive device (17a) operable to capture light passing through said object.

Regarding claims 12-15 please refer to paragraphs [0037-0041 of Hidetoshi].

Regarding claims 16 and 17, Hidetoshi does not explicitly disclose scanning a transparent document, however, Takashi discloses such scanning. As shown in drawing 1, one of the two scanning modules illuminates the object and the other module captures the light passing through the object. Therefore it would have been obvious to a person of ordinary skill in the art to modify Hidetoshi's scanning apparatus to include transparency scanning.

Regarding claims 37 and 38, photosensitive device having a color filter and a colored light source is well known in the art.

Regarding claims 40 and 41, please refer to the arguments under claim 1 and 16.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 18-21, 29 and 31-36 rejected under 35 U.S.C. 102(b) as being anticipated by Takashi (JP 07-254972).

Regarding claims 18 and 33, Takashi discloses a method for scanning an object by an image capture device, comprising:

Illuminating (light 6) a first portion of said object (O) by a first scanning module (3) of said image capture device;

capturing light passing through said first portion by a second scanning module (4) of said image capture device; and

moving said first and second scanning modules along their respective displacement paths (direction a) to illuminate a second portion (illuminates different portions of original (O) as it moves in forward and backward direction “a”) of said object and to capture light passing through said second portion (drawing 1).

Regarding claims 19 and 34, Takashi discloses the method of claim 18, wherein said moving comprises moving said first and second scanning modules such that a light source (6) of said first scanning module (3) and a photosensitive device (22) of said second scanning module (4) are aligned with each other (drawing 1).

Regarding claim 20, Takashi discloses the method of claim 18, wherein said illuminating comprises illuminating said first portion by a light source of said first scanning module (drawing 1).

Regarding claim 21, Takashi discloses the method of claim 18, wherein said capturing comprises capturing light passing through said first portion by a photosensitive device (22) of said second scanning module (drawing 1).

Regarding claim 29, please refer to the arguments under claims 18 and 19.

Regarding claims 31 and 35, Takashi discloses the system of claim 29, said application logic further operable to cause illumination of said first portion by a light source (6) of said first scanning module (3, drawing 1).

Regarding claims 32 and 36, Takashi discloses the system of claim 29, said application logic further operable to cause said capturing of light passing through said first portion by a photosensitive device (22) of said second scanning module (4, drawing 1).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Fri. from 6:00am to 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Houshang Safaipoor/
Primary Examiner, Art Unit 2625
April 24, 2008